Passed
for RS

Scott. II-27—58,004—27-10-47.

(12)

HOME **(194 9) Department.**

Ms. **SERIES.**

G.O. NO. Ms. 824

Dated 1st March 1949.

[Despatch Abstract.]

COURTS - Criminal - South Kanara district - Enquiry into cases arising out of Communist activities - Additional First Class Magistrate and Assistant Public Prosecutor, Grade II Retention - Sanctioned.

153387
23.2.49

R.O.C.No. 1300 of 1949 D-3.

From

K.N. Ganpati Esquire, B.A., Bar-at-Law,
Registrar, High Court, Madras.

ASSISTANT SECRETARY TO GOVERNMENT
28 FEB 1949
HOME DEPARTMENT

To

The Secretary to Government,
Home Department, Madras.

Dated 21st February 1949.

Sir,

Subject: Courts - Criminal - South Kanara District - enquiry into cases arising out of communist activities - Additional First Class Magistrate and staff and Additional Assistant Public Prosecutor, Grade II - continuance - proposal -

Reference: Letter No.C.3./4559/48-dated 9-2-1949 from the District Magistrate, South Kanara (Copy sent to Government direct).

The Honourable the Judges recommend the proposal of the District Magistrate, South Kanara, for the retention of the Additional First Class Magistrate and staff and the Additional Assistant Public Prosecutor, Grade II, for a further period of two months from 1-3-1949. Provision has been made in the budget for the purpose.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
28 FEB 1949
HOME DEPARTMENT

REGISTRAR.

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
12394
1 FEB 1949
14.2.49.
HOME DEPARTMENT

ASSISTANT SECRETARY TO GOVERNMENT
14 FEB 1949
HOME DEPARTMENT

Ref.No.C.3/4559-48. District Magistrate's Office, Mangalore, dated: 8th February 49.

From

Sri N. C. Thomas, B.A.,
District Magistrate of South Kanara.

To

The Secretary to Government,
Home Department, Madras.

Through: The Registrar,
High Court of Judicature,
Madras.

S i r,

COURTS - South Kanara - Court of the 2nd Addl.I Class Magis-trate and staff - Extension - Report submitted.

Ref: G.O.No. 4536 Home Department dated 8-12-1948.

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The retention of the temporary staff sanctioned in G.O.No. 3020 Home Department dated 6-8-1948 for enquiry into cases arising out of communist activities was extended up to 28th February 1949 in G.O.No.4536 Home Department dated 8-12-1948. The enclosed statement shows the number of preliminary Register and Calendar Cases pending before this Court and the probable time required to dispose of them. In this connection I invite your attention to my letter Ref.C.No.4559-48-C3 dated 13-11-48 in which I recommended the retention of the Court of Second Additional I Class Magistrate and staff for a period of 5 months from 1-12-48, but the Government were pleased to sanction the retention of the court only for a period of 3 months from 1-12-48. On account of the overcrowding of Jails due to R.S.S.Activities most of the communist under-trial prisoners had to be transferred to Jails in other districts and the work of this Court suffered due to failure to produce prisoners from Central Jails on the hearing dates for want of Police escorts. Morever, a number of Preliminary Register cases which in the usual course should have ended in discharge or committal as Preliminary Register Cases under Chapter XVIII of the Criminal Procedure Code were converted into regular cases and the accused availed themselves of the chance of further cross-examination of the prosecutions. In those circumstances, I am of opinion that a further retention of this Court with its staff for a period of 2 months from 1-3-1949 is absolutely essential.

2. I therefore request that the Government may be pleased to accord sanction for the retention of the Court, Addl.I Class Magistrate, staff and A.P.P. II up to ~~xxx~~ 30-4-1949 and communicate orders to me at an early date.

Yours faithfully,

For Dt.Magistrate.

The remarks of the Home dept. High court may be awaited on the original of this letter till 15.3.49.

Copy submitted to the Secretary to Government, Home Department, Madras direct for information.

Copy to 2nd Addl.I Cl.Magistrate, South Kanara, Mangalore.

Tabular statement shewing No. of Preliminary Register and Calendar Cases pending before this court, the Probable time required to dispose them-in the court of the 2nd Addl. I Class Magistrate, South Kanara.

S.No. R.C. & C.No.	Section of law under which charged.	Total No. of accused.	Total No. of witnesses in the accused charge sheet.	Whether defended.	State at which the case is at present.	Probable time required to dispose of the case.	REMARKS.
1. 2.	3.	4.	5.	6.	7.	8.	9.
1. R.C.1/48.	See 395 I.P.C.	11 of which A1 is a detenu. Case against absconding accused is split up into R.C.19/48.	10	Yes.	8 witnesses for the Prosecution examined. Contd	Remaining P.Ws will take ½ day and the case is likely to be connected into calendar case and the examination of accused and further cross of P.Ws and defence for the accused may take full 2 days after 1.2-49. Time (2½ days)	As 8 A.P.W. wanted the Retd to be examined in this case and as he was an in-patient in the Govt. Hospital Kasaragod the case was posted for 3.1.49 at Kasaragod but A2 the detenu under orders of the I.G. of Prisons has sent to Vellore Centr Jail, hence the case could not come up and as it takes more than 3 months to issue production warrant and get the detenue the case is posted for 29-1-49 giving sufficient time.
2. R.C.7/48.	Sec.148, 307, 332 and 325 I.P.C.	33 against other absconding accused case split up into R.C.17/48.	33 some P.Ws. dispensed with.		Prosecution not over P.Ws 1 to 30 examined and for the remaining P.Ws posted for 31.1.49.	Examination of 3 P.Ws and 33 accused and other work -1 day and if the accused put in their defence list for examination before this court it may take another 2 days. Time - 3 days.	On account of R.S.S. troubles and failure to produce the Prisoners and a defence from Vellore as already reported in the monthly Pending statement inspite of all efforts the case could not reach further stage.

1.	2.	3.	4.	5.	6.	7.
ЗЛЕДЕЙ/ЗЛЕ	ЙЛ/ЙЛЙЙЙ/ЙЙ/	ЙЙЙ

1.	2.	3.	4.	5.	6.	7.	8.	9.
3.	R.C.12/48.	Sec.395 I.P.C.	49 other 4 accd. absconding case split up into R.C.23/48.	15	Yes.	Prosecution stage-P.Ws 1 to 8 examined and for the evidence of remaining 7 P. Ws case stands posted for 14.2.1948.	Remaining P.Ws examination 1 day. Exam.of accused 1 day. As the case is likely to be converted into calendar cases- Further cross of P.Ws 2 days and Defence and argument 2 days. Time - 6 days.	As A2 is a detenue for the same reasons given against R.C.7/48 on some occasions case could not come up (Vide pending list)
4.	R.C.13/48.	148,149 Sec.307 I.P.C and 19 (e) of the Arms Act.	22	22	"	P.Ws 1 to 14 examined. The case was posted for 25th 26th and 27th of this month further examination of P.Ws etc, and as A2 has fallen ill in the Cannore Central Jail Hospital the case could not come up and stands posted to 9-2-49 and 10-2-49.	Remaining P.Ws 3/4 days Exam.of accused 3/4 day Defence of the accused etc. 1½ days--3 days.	As 15 of the accused are in remand at Cannore connected in some other cases of Malabar and as two accused fell sick from the case could not close though it was posted for completing it on 25th to 27th of this month.
5.	R.C.15/48.	Sec.395- I.P.C.	1	11 Absconding Accused.		In main case R.C.6/48 the accused have been committed and to get copies of depositions and to submit the file to the Dt.Magistrate to transfer the case to Long Pending Register Case posted for 29-1-49.	½ day to prepare necessary records to transfer to the Register of Long Pending cases. Time - ½ day.	
6.	R.C.17/48.	148,307, 332 and 325 I.P.C.	7	-	-do- Split up-from R.C.7/48.	Vide remarks in R.C.7/49.	To prepare necessary records to transfer to the Register of Long Pending Cases after the main case is disposed of is ½ day Time - ½ day.	
7.	R.C.19/48.	Sec.395 I.P.C.	1	-	Absconding - Accused.	Vide Progress of the case in R.C.1/48.	-do- Time ½ day.	

1.	2.	3.	4.	5.	6.	7.	8.	9
8.	R.C.22/48	Sec.147 and 436 IPC	3	Absconding accused.		-	-	As the main case RC 8/48 ended in discharge of the accused. This case split up from that is submitted to the Dt.Magistrate for direct the S.A.P.P. to withdraw the charge on 13.1.49 Orders awaited.
9.	R.C.23/48.	Sec.395 I P.C.	4	-do-	This is a split case from R.C.12/48.		To prepare records etc ½ day.	t will be disposed of after R. .12/48 is disposed of. For other particulars vide R.C. 12/48.
					CALENDAR CASES.			
1.	C.C.1/48	Sec.143 & 341 I.P.C.	18	8	Yes.	Further cross examination of all witnesses except 3,5 & 7. For their evidence posted for 4.2.49.	For further cross of remaining P.Ws & examination of 18 accused 1 day Defence 1 day Time 2 days.	All stages of the case are fully explained in the monthly pending statement.
2.	C.C.2/48	Sec.143,341 & 379 I.P.C.	5 One accused absconding.	5	"	Prosecution stage over. For defence posted for 2.2.49.	One day for examination of D.Ws Time 1 day.	-do-
3.	C.C.3/48	-do-	1 Absconding accused.			Split up from C.C.2/48.	1 day to prepare records for pending case from C.C.2/48	-do-
4.	C.C.4/48	Sec.147,341 & 323 I.P.C.	5	10	"	P.Ws 1 to 5 examined. For the evidence of remaining P.Ws stands posted for 1.2.49.	For the prosecution 1 day. Further cross of P.Ws -do- Defence 1 day Time 3 days.	As some of the accused were in Salem Jail it took lot of time to trace them and get them through re-execution warrants.
5.	C.C.5/48.	Sec.147,448 & 323 I.P.C.	9	8	Yes.	P.Ws 1 to 4 examined. For the examination of remaining P.Ws posted for 1.2.49.	For examination of remaining P.Ws and accused 1 day. Further cross 1 day and defence 1 day = 3 days	-do-

P.T.O.

1.	2.	3.	4.	5.	6.	7.	8.	9
6.	C.C.6/48.	448 & 323 I.P.C.	2	-	-	-		In this case the records are submitted to the Dt. Magistrate on 30.11.49 to transfer the case to the file of C.S. Mangalore at the request of S.A.P.P. Orders awaited.
7.	C.C.7/48.	Sec.392 & 117.	1	3	Yes.	Case posted for defence on 2.2.49.	Defence and argument 1 day.	Vide pending statement for various stages of the case.
8.	C.C.8/48	Sec.117 & 392 I.P.C.	1	4	-	Evidence under section 512 Cr.P.C recorded and completed on 18.1.49 and records submitted to the Dt. Magistrate to transfer the case to Register of Long pending cases.		Orders awaited from the Dt. Magistrate.
9	C.C.9/48	-do-	1	4	"	When the case was posted for prosecution evidence the accused who is a detenu is taken away to Bellare under orders of the Inspector General without intimating the court .Case stands posted to 29.1.49 for recording Prosecution evidence.	For Prosecution evidence. Further cross and defence 2 days.	As the accused is a detenu his presence could not be secured for long time and when once he was brought he was again taken away to Bellare.
10.	C.C.10/48	-do-	1	2	"	Prosecution completed on 18.1.49, and for further cross posted to 29.1.49.	For further cross ½ day and defence etc ½ day ½ ½ day.	(Vide monthly pending statement)

P.T.O.

16. C.C.16/48	143,145& 147 I.P.C.	Split up from C.C. 15/48			-	For preparing records to transfer the case of the Register of long pending cases - ½ day.	As.C.C.15/48 proceeds further this case also will be dispo sed off.
17.C.C. 17/48	Sec.143, 283 & 341 I.P.C.	8	3	Yes.	Prosecution stage over. Posted for defence.	Defence and argument ½ day.	
18. " 18/48	- do -	1	Split up from C.C. 17/48			For Preparing records etc.	As.C.C.17/48 do
19. " 19/48	Sec.323,341 & 355 I.P.C	5	5	Yes.	Prosecution closed. Accused examined. As the counter case C.C.4/48 stands posted for 1-2-49 this is also posted for that day.	Further duration can be found out only after evidence is recorded completely in C.C.4/48 about 1 day.	
20. " 20/48	Sec.2(a) 1 of M.M.P. O. Act.	2	4	Yes.	Prosecution stage closed except for further cross of P.W.2 who could not be got so far. For his evidence posted for 2-2-49.	P.W.2's further cross and Defence may take in all 1 day.	
21. " 21-48.	-do-	1	2	Yes	Case closed on 2-12-48 and argument for defence is held back on the Petition of the Advocate for the accused on the ground that argument in C.C. 20 and 21/48 will be common and the judgements in both cases may be pronounced together.	For argument etc ½ day.	

14

11	C.C.11/48	145,145 & 332 I+P+C.	8	14	Yes	P.Ws 1 to 10 examined and on 4-1-49 when the case was posted for examination of other P.W.s. A5 a detenue is sent away to Vellore without intimating to this Court and hence the case is reposted to 21-1-49 giving sufficient time to get the detenue.	Remaining Prosecution witnesses 1 day. Further Cross 1 day Defence 1 day 3 "	(Vide monthly pending statement.
12.	* 12/48	- do -	22	15	Yes	Revised charge sheet received only on 8-11-48 and out of the accused 8 are still absconding and finally case against them is split up into C.C. 2/49 and this case posted for evidence on 31-1-49.	Prosecution witnesses 2 days Further cross 2 " Defence 2 " 6 Days	- do -
13.	* 13/48	Sec.353 I.P.C.	1	5	Yes	P.W.s 1 to 4 examined. P.W3 has reported that he is on leave. For his evidence case is posted for 7-2-49.	Examination of 1 witness and further cross of P.W.s etc. 1 day. Defence. 1 " 2 "	
14.	* 14/48	212 I.P.C 2A1 of M. M.P.O.Act.	1	6	Yes	P.W. 1 to 4 examined and rest dispensed with by S.A.P.P. and he has put in a supplimental list. Case posted for 7-2-49.	Prosecution. ½ day Further cross & defence 1½ " 2 "	
15.	* 15/48	143,145 & 147 I.P.C.	16	5	Yes.	Two of the accused are detenues Their presence could not be secured inspite of very many efforts. When once they were got, they were taken back to Vellore under the orders of I.G.	For Prosecution 1 day Further cross. 1 day Defence 1 Day 3 Days.	

1	2	3	4	5	6	7	8	9
22	C.C. 22/48	Sec 145, 147 etc.	1	Absconding accused.		Case is split up from C.C,11/48	Case preparation of records to transfer the case to to the Register of long pending cases.	Vide remarks on C.C,11/48
23.	C.C. 23/48	143 & 384 I.P.C. read with sect. 34 I.P.C.	10	—	yes	Prosecution closed and case stands posted for defence on 3.2.1949	Defence and arguments may take 1 1/2 days as there are 8 D.W.s to be examined. Time 1 1/2 and	
24	C.C. 24/48	143,455 & 380 I.P.C.	26 10	11	-do-	-do- adjourned to 27.1.1949 for defence.	As there are 3 D.Ws and argument may take 1 day as a complicated case. - 1 day.	
25	C.C. 25/48	Sect. 143 & 379.I.P.C.	26	11	-do-	Case is at prosecution stage and 6 P.Ws. examined and for the examination of remaining P.W.s Case posted for 4.2.1949	Prosecution, further cross and examination of accused & days defence 1 day. 3 days.	
26.	C.C. 26/48	143 & 384 I.P.C.	2	(Absconding accused)		Vide C.C. 23/48 for details.	1/4 day for preparing long pending records after close of main case 1/4 day.	
27.	C.C. 27/48.	Sec. 7(1) (2) M.P.Act.	2	4	-do-	At further cross stage 2 P.Ws. remaining to be further examined. case stands posted to 28/1/49.	Further cross defence 1/49 and argument may take 1 day.	
28.	C.C. 28/48	Sec. 117. read with sec.384 I.P.C.	1 3		-do-	Case is at defence stage posted for 5.2.1949 for defence.	For defence argument 1 day.	
29.	C.C. 29/48	143 & 379 I.P.C.	2	(Absconding Accused)		(Vide C.C.25/48 for details)	For getting up L.P.Register case proceedings 1/2 day.	
30.	C.C. 1/49	143 & 379 I.P.C.	22	12	-do-	For further cross examination case posted for 28.1.1949	Further cross may take 1 day Defence and argument 1 1/2 day 2 1/2 days.	
31.	C.C. 2/49	143, 145,147 & 332 I.P.C.	8	(Absconding accused)		Split up from C.C.12/48 for details vide remarks on C.C. 12/48.	For preparing long pending case records 1/4 day.	

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1	2	3	4	5	6	7	8	9
32.	C.C.2/49	143 ~~145~~ ~~147~~ 384 I.P.C.	10	7	Yes	Further cross exmination stage & stands posted for 3.2.1949	Further cross day 1 day Defence argument 1 1/2. 2 1/2 days.	
33.	C.C.4/49	392 & 117 I.P.C.	2	4	-do-	Further cross exmination stage.	Further cross exmination may take 3/4 day defence and argument 3/4 1 1/2 day. For preparing records of L.Pending cases 1/4 day.	
34.	C.C.5/49	143 ~~&~~ 384 I.P.C.	1	(Accd.Absconding)		Vide C.C. 3/49 for details.		
35	C.C. 6/49	392 & 117 I.P.C.	1	-do-		C.C.4/49	-do-	1/4 day.
36.	C.C. 7/49	143 379 I.P.C.	1	-do-		-do- C.C. 1/49 -do-	-do-	1/4 day.

Sd. 2nd Addl. I Class Magistrate,
Mangalore.

(True Copy)

For District Magistrate.

HOME DEPARTMENT.

(C.No.12394.D/49)

G.O. Ms. No 824 dated 1-3-1949

COURTS - Criminal - South Kanara district - Enquiry into cases arising out of Communist activities - A.F.C.M. and Asst. P.P., Grade II Retention - Sanctioned.

READ:- G.O. Ms. No. 4536, Home, dated 8-12-1948
From the D.M., South Kanara No.C.3/4559-48 dated 9th Feb..1949
From the Registrar, High Court, R.O C.No. 1300 of 1949 D3,d/21-2-49

ORDER

His Excellency the Governor of Madrasx sanctions the retention up to 30th April 1949, or till the necessity ceases, whichever is earlier, of the following temporary staff in the South Kanara district, last sanctioned in G.O. Ms. No. 4536, Home, dated 8-12-1948:-

(1) Addl. First ClassMagistrate
(2) One lower division clerk
(3) One attender,
(4) Two peons and
(5) Asst. Public Prosecutor, Grade II

2. The expenditure should be debited to "27. Admn. of Justice - h. Criminal Courts - S.S.Ms., Bench Magistrates and other establishments - B. Pay of establishments -Voted".

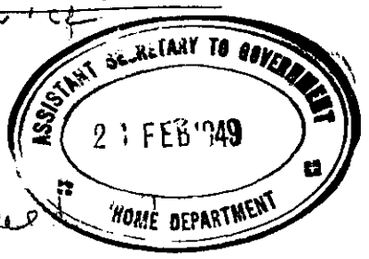
To the ~~Hon'ble~~ Hon'ble the Chief Justice, High Court, Madras.
" D.M., South Kanara
" Bd. of Revenue, Madras
" A.G., Madras thro' the Fin. Dept.
" I.G. of Police, Madras.

NOTE:- The present sanction for the court expires by 28-2-1949. 36 cases are pending on the file of the Magistrate. The D.M. requests that the court may be

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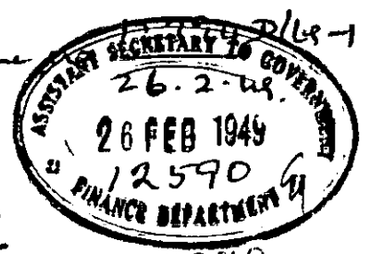
retained for a further period of two months i.e. up to 30th April 1949. The Sdl. Magistrate has sent a statement showing the day to day requirements of the case. The High Court supports the D.M's proposal. The draft order submitted is for approval. It may be sent to the Finance Dept. for acceptance before issue.



Thro'F section

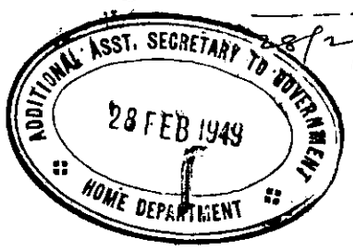
Finance (F1)

The draft order overleaf may be accepted and the case returned to Home Dept.



16858 D

Fin no 12590 E/49



Issued as GO Ms No 824. Home (d) 1.3.49.